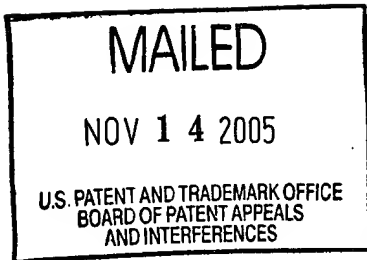


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARY LEE BATES,
PAUL REUBEN DAY and JOHN MATTHEW SANTOSUOSSO

Application 09/491,902

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 19, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

Section 1208 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 1, Feb. 2003) states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place

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their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer mailed November 24, 2003 does not comply with the above requirement. Correction is required.

In addition, an Appeal Brief was filed on April 8, 2003. On October 20, 2003, a duplicate of the April 8, 2003 Appeal Brief was submitted as well as a copy of the Return Postcard and a copy of the cancelled check for the \$320 Appeal Brief fee. It is noted that the \$320 Appeal Brief fee is not included in the Revenue Accounting and Management (RAM) fee history. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for taking corrective action regarding the appeals conference;
2. to have the \$320 Appeal Brief fee included in the RAM history; and
3. for written notification to appellants regarding the action taken; and

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4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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CRF:psb

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